marked improvements as shown in the laboratory tests of both the blood and urine of the cases cited."

3. That the article when shipped and delivered for shipment was offered as a cure, remedy, or treatment for diabetes, both independently and further in conjunction with the diet recommended on the label of the bottle and the carton, which said diet is commonly known to the layman as being restricted to and prescribed exclusively in the treatment of diabetes.

That the article was misbranded in that the statements, designs, and devices aforesaid falsely and fraudulently represented the curative and therapeutic effectiveness of the article as a treatment, remedy, or cure for diabetes.

On October 19, 1937, a nolle prosequi was entered with respect to the Sanovapor Laboratories, Inc., and Ethelbert Kennedy Walker. On November 1, 1937, a plea of guilty was entered by defendant Gordon A. Guthrie, and the court imposed a fine of $50.

M. L. WILSON, *Acting Secretary of Agriculture.*

29273. Misbranding of Mentholated La Paris Kerchiefs. U. S. v. 58 Dozen Packages of Mentholated La Paris Kerchiefs (and 2 other seizure actions against the same product.) (F. & D. Nos. 41861, 41945, 42278. Sample Nos. 2878-D, 3031-D, 8442-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 7, March 11, and April 28, 1938, the United States attorneys for the Northern District of Illinois and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 58 dozen packages of Mentholated La Paris Kerchiefs at Chicago, Ill.; and 107½ dozen packages of the same product at San Francisco, Calif. The libel filed in the Northern District of California on March 11, 1938, was amended subsequently. The libels alleged that the article had been shipped in interstate commerce in part by the Sterilek Co., Inc., from New Hartford, N. Y.; in part by the East West Shippers, from New Hartford, N. Y., and in part by the East West Shippers from New York, N. Y., between the dates of January 11 and March 16, 1938; and charged that it was misbranded in violation of the Food and Drugs Act as amended.

A sample of the article upon analysis was found to consist essentially of tissue paper impregnated with volatile oils, including menthol and oil of eucalyptus.

The article was alleged to be misbranded in that the following statements appearing in the labeling regarding its curative or therapeutic effects were false and fraudulent: "For * * * hay fever. Rose fever. Sinus. Soothes nasal irritation or * * * inflamed * * * skin. * * * Use as protection when in crowds * * * they are so soothing to inflamed skin * * * especially recommended for use in case of:—Rose Fever. Hay Fever."

On May 24, May 25, and June 27, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29274. Adulteration and misbranding of sandalwood oil. U. S. v. 9 Boxes of Sandalwood Oil, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 42240, 42381. Sample Nos. 12452-D, 12453-D, 13165-D.)

This product failed to comply with the requirements of the United States Pharmacopoeia for sandalwood oil.

On April 27 and June 14, 1938, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 boxes of sandalwood oil capsules at Hartford, Conn.; alleging that the article had been shipped in interstate commerce in part on or about April 22, 1937, and in part on or about April 8, 1938, from New York, N. Y., by Jamco Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, sandalwood oil, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, and purity was not stated on the label.

One lot was alleged to be misbranded in that the statement on the label, "Sandalwood Oil U. S. P., Pure East India," was false and misleading since it represented that the article was sandalwood oil which complied with the requirements of the United States Pharmacopoeia; whereas it was not sandal-

wood oil of pharmacopoeial standard. The remaining lot was alleged to be misbranded in that the statement on the label, "Sandalwood Oil U. S. P. Pure East India," was false and misleading since it represented that the article was a volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné, whereas it was not as represented since it contained benzyl alcohol, a derivative of phthalic acid and terpineol; and in that it was an imitation of and was offered for sale under the name of another article, namely, sandalwood oil.

On July 22, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29275. Adulteration and misbranding of Lactium. U. S. v. 6 Cans and 8 Jars of Lactium (and 1 other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 42950, 43022. Sample Nos. 18214–D, 18249–D.)

This product was represented to be a concentrated culture of acidophilus bacilli. Examination showed that it contained insufficient viable acidophilus bacilli to be of any therapeutic importance; that it was contaminated with yeast and that its labeling bore false and fraudulent curative and therapeutic claims.

On June 18 and July 6, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of a total of 6 cans and 55 jars of Lactium at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about May 7 and June 7, 1938, from Chicago, Ill., by Scientific Health Laboratories; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Samples taken from the two shipments were found to contain 20,000 and 100,000 viable organisms per gram, respectively, and to be contaminated with yeast.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Concentrated Lactic Culture * * * Bacillus Acidophilus Guaranteed Viable Full Year 1938," since the article contained an inconsequential number of viable organisms.

Misbranding was alleged in that the statements on the labels, "Concentrated Lactic Culture One Teaspoonful in milk or water with meals three times daily," and "Bacillus Acidophilus Guaranteed Viable Full Year," were false and misleading since the article was not concentrated lactic culture, it contained an inconsequential number of bacillus acidophilus, and it was not viable a full year. Misbranding was alleged further in that the statements on the label, "Step Up Health" and "Regain Normal Intestinal Flora," falsely and fraudulently represented the curative and therapeutic effectiveness of the article.

On July 14 and August 29, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29276. Adulteration and misbranding of Gauztex. U. S. v. 79 Packages of Gauze Bandages. Consent decree of condemnation and destruction. (F. & D. No. 42952. Sample No. 27233–D.)

This product was represented to be sterile but was contaminated with viable micro-organisms.

On June 20, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 packages of gauze bandages at Denver, Colo., consigned by General Bandages, Inc.; alleging that the article had been shipped in interstate commerce on or about May 18, 1938, from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, the statement in the labeling, "Gauztex is sterilized," since it was not sterile but was contamined with viable micro-organisms.

Misbranding was alleged in that the following statements, appearing variously in the labeling, were false and misleading since they represented that the article had the characteristics set forth in the statements; whereas the drug